**FARAD CONTINUATION SHEET NO**
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

CIVIL APPLICATION NO.3432 OF 2004 WITH C.A.NO.4344 OF 2004
IN
F.A.NO.1051 OF 2004

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| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr. V.A. Sawant for the applicant. Mr. M.A. Utgikar for the respondent.

**CORAM : H.L. GOKHALE &**
**R.S. MOHITE, JJ.**
**DATED : 17/12/2004.**

**P.C.**

1. Civil Application No.3432 of 2004 in First Appeal No.1051 of 2004 is taken out by the Insurance Company whereas the Civil Application No.4344 of 2004 is taken out by the widow and two minor children and the mother of the deceased. We have heard the counsel appearing for the Insurance Company as well as for the applicant. In our view the order passed by the 6th Additional District Judge, Pune being Accident Court on 9.4.2004 takes care of the interest of the claimants. Mr. Sawant informs that the entire amount has been deposited as per that order. The Trial Court will invest the amount of Rs.2/-lacs in the name of two minors (as directed in Para-3) with interest as accrued until the date of deposit. The amount will be invested in a nationalised bank for a period of 37-months to begin with and the deposit will continue to be renewed by 13 months at a time. Interest of these two deposit receipts will be paid over to the mother of the minor children. The interest will be released to the mother of the minor every six months. Similarly the amount to be invested in the name of the widow of the deceased will also be invested in the similar manner and the interest will be paid after every six months. Interest amount will be paid over to her of both these amounts unconditionally. As per Paragraph-4 of the impugned award the widow of the victim

will be paid amount of Rs.55,350/- with interest as accrued until the date of deposit. Similarly the mother of the deceased will be paid amount of Rs.50,000/- with accrued interest. Both these amounts should be released to them unconditionally. The amount awarded to the father of the deceased i.e. Rs.50,000/- will be invested by the Trial Court in a nationalised bank for a period of 13 months to begin with and the deposit will be renewed by 13 months at a time. This deposit should be subject to the order to be passed on separate appropriate applications to be submitted by the heirs of deceased father of the victim for release of the amount. Both the civil applications stand disposed of.

**(H.L. GOKHALE, J.)**

**(R.S. MOHITE, J.)**